

REMARKS

Claims 1-31 are pending in the present application prior to entry of this Amendment. By this amendment, claims 1-31 are cancelled without prejudice and new claims 32-62 have been added. The original claim set comprised of 3 independent claims and 31 total claims. The submitted amended claim set also comprises 3 independent claims and has 31 total claims. Therefore no additional fee should be required.

Claims 1-22 have been rejected under 35 U.S.C. 102(b) as being unpatentable over *Rose, et al.* (U.S. 5,757,917). As submitted herewith, the new claims 32, 47, and 49 are independent, and the applicants assert that these claims are patentable over the cited art. The applicants respectfully request entry of the new claims under 37 C.F.R. § 1.111.

The examiner has not cited any art or reasons for rejecting claim 24 through 31 of the original claim set. As submitted, claim 32 includes features previously included in claim 24 that are not found in the cited art. However, since the examiner indicated that the original claim 24 has been rejected, an analysis of the new claim 32 will be presented.

Independent claim 32 provides the following limitations not described in the prior art as discussed on page 18 lines 26-29 of the present specification:

offering a plurality of financial instrument types to a payor at a first remote computer;
receiving from the first remote computer a registration by the payor of a payment
instrument comprising one of the plurality of financial instrument types;

Rose describes a "payment service that can process a charge to the user using the conventional, commercially available credit card system" as stated in column 11 line 55. *Rose* also states in column 5 line 61 that a "issuer bank may process a debit to a bank account of the buyer instead of sending a credit card bill." Additionally, *Rose* in column 5 line 61 also states "[a]lternatively, the issuer bank may send the buyer a bill (other than a credit card bill)." As shown, the issuer bank may bill the buyer by utilizing their credit card, a debit of a bank account at the issuing bank, or the issuing bank sending a bill. These billing methods are all contemplated to be executed by the credit card issuing bank and are merely collection methods for the issuing bank. Conversely, each payment instrument is a separate financial instrument of

which only the credit card processing is contemplated to be performed by a bank associated with a credit card. Therefore, advantageously, the present system is designed to make available payment option to consumers who may not have an affiliation with a credit card issuer. Also as shown, *Rose* teaches collecting billing using methods in the alternative and does not even contemplate multiple billing methods by the issuing bank. Consequently, *Rose* teaches away from offering multiple payment instruments. However, enabling the payor to choose the payment instrument desired allows the seller to extend the possible customer base, who may need the flexibility of multiple payment instruments depending on their specific situation. Enabling multiple payment instruments is necessarily much more complex since each payment instrument necessitates other payment processing mechanisms as shown in reference to FIG. 2. However, offering the payor the option of using a plurality of instrument types is a clear advantage over the prior art since each payor may desire to use a different payment instrument. As shown, these limitations are not disclosed by cited art and should render the claim allowable.

As described above, the cited art describes a payment system that can charge a credit card, debit a bank account, or send a bill. However, the *Rose* system not useful to a payor with such poor credit that these options are not available or people who for whatever reason strictly use cash. Consequently, it would be advantageous over the prior art to provide a system that can utilize a cash payment system. In accordance with an aspect of the present invention, a cash payment mechanism is described that utilizes "flash cash." Flash cash, as defined on page 11 line 21, is a payment instrument that enables a payor to execute payment orders over the Internet based on a prearranged cash deposit. Independent claim 47 includes such a flash cash feature as show in reference to FIG. 7 and described in detail in the associated description in the specification:

receiving from a first remote computer a registration by a payor of a flash cash payment instrument;

prearranging a cash deposit to be made by the payor in person at a deposit location;

receiving notification from a flash cash processor that the payor has completed the deposit; and

ordering a transfer of the amount of money through the flash cash payment instrument.

Rose or *Fujimoto* does not teach or contemplate a payment system that utilizes cash as a payment instrument whatsoever. As discussed in pages 22 and 23 of the present specification, a buyer physically goes to a deposit location registered as a flash cash processor. At the deposit location, the buyer deposits cash in the amount specified for the transaction. At which time, the flash cash processor notifies the payment enabler that the buyer has completed the prearranged deposit. Consequently, claim 47 provides the payor with a cash processing system not found in the cited art. Since these limitations are not disclosed by the cited art, the claim should be allowable.

Likewise, independent claim 49 provides the features not described in prior art. The present invention contemplates providing to the payor information about the payee. The present specification on page 45 lines 16-19 provides for providing information in the underwriting process to the payor. This information includes the risk tier for fraud and chargebacks into which the payee has been placed by the underwriting process. Also page 44 line 23 contemplates collecting feedback from the customers of the seller as approval process for a seller. Therefore, the present invention includes the following limitation not taught or discussed in the prior art:

receiving a request from the payor for information about the payee;
providing the payor with the information about the payee;

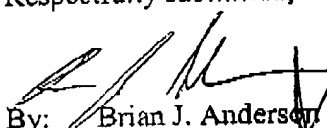
Rose on column 10 lines 2-15 does suspend a payor account for a practice of placing orders without authorizing payment. Thus, some minimal information about the payor is provided to a seller. However, *Rose* does not teach or describe providing to the payor information about the payee. Nevertheless, it may be important to a payor to know information about the seller such as if the seller has a history of complaints for providing inferior products, ships products late, or does not have a solid credit history and may be in high risk for fraud underwriting tier. Therefore, it is clearly an advantage for the payor to be able to receive information about the

payee. As shown, these limitations are not disclosed, taught or suggested by *Rose* and should render the claim allowable.

CONCLUSION

The foregoing is submitted as a full and complete response to the Official Action mailed September 25, 2002, and it is believed to have placed all claims in condition for allowance. The applicants respectfully request entry of the above amendments under 37 C.F.R. § 1.111. If any issues remain that can be resolved by telephone, the Examiner is respectfully requested to contact the undersigned at (404) 233-7000.

Respectfully submitted,

By:  Brian J. Anderson
Reg. No. 43,470

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326 USA
(404) 233-7000
Our Docker: 4526-29734



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